IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMARY SUIT NO. 1077 OF 2005

Ashokkumar V. Pasad .....**Plffs.**

vs.

Sahadev Vakhuba Jadega .....**Defnds.**

L.M. Acharya for the plaintiffs.

CORAM: S.U. KAMDAR, J.

DATE : 17TH AUGUST, 2005.

P.C. :.

1. The present suit is filed for the recovery of sum of Rs.1,33,000/- with further interest on Rs.1.00 lacs at the rate of 12% p.a. The suit is based on a promissory note dated 1.5.2002. It is the case of the plaintiff that inspite of notice

dated 20.11.2004 the aforesaid amount was not paid and therefore the suit is filed on 17.2005. The defendants are served. An affidavit of service dated 11.7.2005 is taken on record. The said affidavit of service indicates that though the defendants were served but the packet has come back has unclaimed. The plaintiff has also filed the original promissory note which is taken on record. In view of the aforesaid there shall be decree in terms of prayer clause (a). Refund of court fees, if any as per rules.

sd/-

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